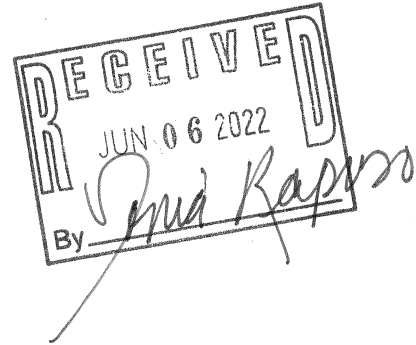


Law Office of  
**Michael P. O'Shaughnessy**  
43 East Grove Street, Suite 5  
Middleboro, MA 02346  
Phone: (508) 947-9170  
Fax: (508) 947-9130  
E-mail: mike@mpoesq.com

July 6, 2022

Town of Wareham  
Zoning Board of Appeals  
Attn: Mr. Nazih Elkallassi, Chairman  
54 Marion Road  
Wareham, MA 02571



RE: Settler's Glen 40B Project

Dear Mr. Elkallassi:

This office represents Settler's Glen, LLC ("LLC"). Accompanying this letter is a set of plans entitled "'Settler's Glen' Comprehensive Permit Plan Red Brook Road, Wareham, Massachusetts", Dated: January 12, 2021 revised through May 10, 2022, Prepared By: G.A.F. Engineering, Inc., Professional Engineers & Land Surveyors, 226 Main Street, Wareham, MA 02571 ("Plans").

These Plans have been reviewed by OSD Engineering Consultants ("OSD"), the engineer for the Onset Water Department, and addresses all the comments raised by OSD in their last review of the Plans. On June 8, 2022 G.A.F. Engineering, Inc ("GAF") contacted OSD inquiring if there were additional comments of changes. To date, no additional comments or response has been provided by OSD. Copies of the email communications between OSD and GAF accompany this letter. Therefore, the LLC believes that it has addressed all of the Onset Water Department's technical comments and concerns.

The Onset Water Department is a Local Board as defined in 760 CMR 56.02. The Wareham Zoning Board of Appeal ("Board"), pursuant to 760 CMR 56.05(10)(c), has the explicit authority to issue directions or orders to the Onset Water Department to effectuate the issuance of the Comprehensive Permit and the construction of the Project. The LLC requests that the Board issue an order directing the Onset Water Department to:

1. Approve the water service application filed by the LLC on September 8, 2021;
2. Approve the Plans that accompany this letter;
3. Authorize the LLC to connect to the eight (8) inch watermain in Red Brook Road;
4. Authorize the LLC to extend the water line service into the LLC's property as shown on the Plans;

5. Authorize the LLC to connect the twenty (20) units to the water line as shown on the Plans;
6. Waive all connection fees; and
7. Take any and all additional steps and actions as may be necessary to allow the permitted project to connect to the water system forthwith to effectuate the issuance of the Comprehensive Permit and construction of the project.

In the event that the Onset Water Department does not comply with the Board's order, I would ask that any order state that should the Onset Water Department fail to approve and authorize the work described above within twenty (20) days of the filing of the order with Wareham Town Clerk, the Board approves and authorizes all work necessary to connect the approved project to the water distribution system.

A proposed order for the Board's consideration accompanies this letter.

Your cooperation in this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael O'Shaughnessy', with a long horizontal flourish extending to the right.

Michael O'Shaughnessy

Cc: Onset Water Department (via email)  
Attorney Matthew Costa (via email)  
Attorney Richard Bowen (email)



James V. O'Brien &lt;jvocorp@gmail.com&gt;

---

**Settlers Glen**

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Brian Grady <brian@gafenginc.com>  
To: Sean Osborne <sosborne@osd-ec.com>  
Cc: dcandeias@onsetwater.com, "James V. O'Brien" <jvocorp@gmail.com>

Thu, May 19, 2022 at 3:04 PM

Sean,

Sorry for the delay in getting these to you. These are the revised plans which I think address the concerns from your April 27<sup>th</sup> email. Also, the MassDOT Utility Access plan I previously sent did not change. That is the plan that goes with the permit. I can send it again if you need it. Not sending it here due to size of the attachment. Let me know. You will also see the last 2 pages of the plan set are the Landscape Plans which also show a typical irrigation layout with notes. Contact me directly if you need anything else.

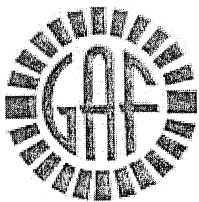
Thanks,

*Brian R. Grady, R.S.***G.A.F Engineering, Inc.**

266 Main Street Wareham, MA 02571

Office: 508.295.6600 | Fax: 508.295.6634

E-mail: brian@gafenginc.com

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**Settlers Glen-Revision-6.pdf**  
8872K



James V. O'Brien <jvocorp@gmail.com>

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## Settlers Glen

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**sosborne@osd-ec.com** <sosborne@osd-ec.com>  
To: Brian Grady <brian@gafenginc.com>  
Cc: dcandeias@onsetwater.com, "James V. O'Brien" <jvocorp@gmail.com>

Thu, May 19, 2022 at 3:21 PM

Hi Brian

Thanks for the response. I will review them and get back to you.

Please resend the MassDOT Utility Access plan.

Kind regards,

**Sean D. Osborne, PE** |Principal | **OSD Engineering Consultants**

58 Medford St, Suite LL1 | Arlington, MA 02474 |P: 781-538-4636 | C: 781-454-5271 | F: 781-538-4637

[Quoted text hidden]

## Mike O'Shaughnessy

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**From:** Brian Grady <brian@gafenginc.com>  
**Sent:** Wednesday, June 8, 2022 10:12 AM  
**To:** Sean Osborne  
**Cc:** Mike O'Shaughnessy; James V. O'Brien  
**Subject:** Settlers Glen

Hi Sean,  
Just following up to see if you have had a chance to review the revised plans and if you need anything else or have additional comments/changes. Let me know.

Thanks,

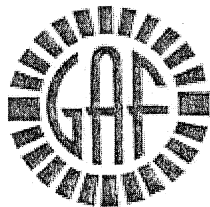
*Brian R. Grady, R.S.*

**G.A.F Engineering, Inc.**

266 Main Street Wareham, MA 02571

Office: 508.295.6600 | Fax: 508.295.6634

E-mail: [brian@gafenginc.com](mailto:brian@gafenginc.com)



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ORDER OF THE TOWN WAREHAM ZONING BOARD OF APPEALS  
(pursuant to M.G.L. c. 40B and 760 CMR 56.05(10)(c))

At a public meeting held on \_\_\_\_\_, 2022, by the Town of Wareham Zoning Board of Appeals (“Board”) on the request of Settlers Glen, LLC (“LLC”) for an Order from the Board authorizing the connection of the project that was granted a Comprehensive Permit under M.G.L. c. 40B, §§ 20 through 23 on May 26, 2021. A copy of the permit is recorded with Plymouth County Registry of Deeds in Book 55182, Page 215. In consideration of this request, the Board makes the following findings:

1. On or about September 8, 2021, the LLC filed an application for water services to the Onset Water Department based upon the Comprehensive Permit plans approved by the Board.
2. The Comprehensive Permit plans approved by the Board depicted the water line terminating in the cul de sac.
3. The Regulations of the Onset Water Department in effect at the time the Comprehensive Permit was issued contained no requirements for the looping of the water mains.
4. On or about December 20, 2021, the LLC filed a three (3) page letter and numerous exhibits that included amongst other things (1) letters and email communications by and between the Onset Water Department and the LLC for the period between August 2021 to December 2021; (2) communications between GAF Engineering, the LLC’s engineer, and OSD Engineering Consultants (“OSD”), the engineer for the Onset Water Department; and (3) the Rules and Regulations of the Onset Water Department.
5. In the December 20, 2021 letter, the LLC requested that the Board approve the water connection in Red Brook Road as shown on the plans and to establish the water fees.
6. On or about January 6, 2022, the Onset Water Department filed a letter with the Board asserting that it was not a local board under M.G.L. c. 40B.
7. On or about January 12, 2022, the LLC filed a letter with the Board disputing the January 6, 2022 letter of the Onset Water Department.
8. At a Board meeting held on January 12, 2022 and January 26, 2022 attended by the LLC and the Onset Water Department, the Board voted to require the LLC to install the water line through an easement to Cranberry Highway and established the fee at \$42,840.00 for

the Red Brook Road water line tap and a service fee taps at \$3,540.00. This determination is filed with Plymouth County Registry of Deeds in Book 56533, Page 96. This determination was not appealed by the Onset Water Department.

9. On or about April 14, 2022, the LLC filed a request for a modification to the permit.
10. On or about May 19, 2022 GAF Engineering (“GAF”) provided plans entitled “‘Settler’s Glen’ Comprehensive Permit Plan Red Brook Road, Wareham, Massachusetts”, Dated: January 12, 2021 revised through May 10, 2022, Prepared By: G.A.F. Engineering, Inc., Professional Engineers & Land Surveyors, 226 Main Street, Wareham, MA 02571 (“Plans”).
11. Neither the Onset Water Department nor its engineer, OSD Engineering Consultants, has responded to the LLC or GAF regarding approval of the Plans.
12. On or about July 6, 2022, the LLC requested the Board, pursuant to 760 CMR 56.05(10)(a), approve the Plans and to direct and order the Onset Water Department to connect the project to the water system.

The Town of Wareham Zoning Board of Appeals, as authorized by M.G.L. c. 40B, §§ 20 through 23 and pursuant to 760 CMR 56.05(10)(c), directs and orders the Onset Water Department, acting by and through its Board of Water Commissioners and its Superintendent, to:

1. Approve the water service application filed by the LLC.
2. Approve the Plans.
3. Authorize Settler’s Glen, LLC, and its contractors, successors or assigns, to connect to the eight (8) inch watermain in Red Brook Road as shown on the Plans.
4. Authorize Settler’s Glen, LLC, and its contractors, successors or assigns, to extend the water line service into the LLC’s property through the easement and down to the edge of Cranberry Highway as shown on the Plans.
5. Authorize Settler’s Glen, LLC, and its contractors, successors or assigns, to connect the twenty (20) units to the water line as shown on the Plans.
6. Provide any and all water meters to Settler’s Glen, LLC, and its contractors, successors or assigns, as may be required to connect the residences and sprinkler systems to the water distribution system.
7. To take all additional steps and actions as may be necessary to allow the permitted project to connect the water system forthwith to effectuate the issuance of the Comprehensive Permit and construction of the project.
8. Waive all water connection fees.

9. In the event that the Onset Water Department does not take the foregoing action within twenty (20) days of the filing of this Order with the Wareham Town Clerk, the Wareham Board of Appeals hereby:

- (a) Approves the connection of the project approved under the Comprehensive Permit, as may be modified, to the water distribution system of the Onset Water Department as shown on the Plans;
- (b) Authorizes Settler's Glen, LLC, and its contractors, successors or assigns to connect to the water distribution system of the Onset Water Department as shown on the Plans;
- (c) Waives all water connection fees;
- (d) Authorizes Settler's Glen, LLC, and its contractors, successors or assigns to connect the residential units to the water distribution system of the Onset Water Department as shown on the Plans;
- (e) Authorizes Settler's Glen, LLC, and its contractors, successors or assigns to take all additional steps and actions as may be necessary to allow the permitted project to connect the water system forthwith to effectuate the issuance of the Comprehensive Permit and construction of the project; and
- (f) Settler's Glen, LLC, and its contractors, successors or assigns shall provide an as built plan of the water line connection with an engineer's certification that the water lines and connections were installed in accordance with the approved Plans.

Wareham Zoning Board of Appeals

\_\_\_\_\_  
Nazih Elkallassi, Chairman

\_\_\_\_\_  
James Eacobacci, Clerk

\_\_\_\_\_  
Jacob Morrison, Member

\_\_\_\_\_  
Veronica DeBonise, Member

\_\_\_\_\_  
Troy Larson, Associate Member

Date: \_\_\_\_\_, 2022